IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16159 of 2004

Between:

1.Smt.Nazamunisa Begum, W/o Late A.G.Khan, aged about 48

years, Occu: House-wife, R/o H.No.9-8-505/1, Chota Bazar,

Golkondafort, Hyderabad-8.
2.Sri Abdul Ahmed Khan, S/o Late Abdul Gaffar Khan,

Aged about 25 years, Occu: Unemployee, R/o H.No.9-8-505/1,

Chota Bazar, Golkondafort, Hyderabad-8.

..... PETITIONERS

AND

1.The Andhra Pradesh State Road Transport Corporation,

Musheerabad, Hyderabad, rep.by its Managing Director.
2.The Depot Manager, (APSRTC), Rajendra Nagar, Ranga Reddy

District.
3.The Regional Manager, APSRTC, Jubilee Bus Depot, Picket,

Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, or Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the Respondents in considering the 2nd Petitioner for the post of conductor or any other suitable post in the 1st respondent corporation and the proceedings in No.W4/684 (3) 2002- HCR, dated 1-4-2003, as arbitrary, illegal and voilative of Articles 14, 19 and 21 of the Constitution of India, and consequently to direct the Respondents to consider the case of the 2nd

Petitioner for appointment to the post of conductor on compassionate grounds in the interest of justice.

Counsel for the Petitioners: MR.P.KESAVA RAO

Counsel for the Respondents: MR.V.T.M.PRASAD, Standing Counsel for APSRTC.

The Court at the stage of admission made the following :

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THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION No.16159 OF 2004

ORDER:

The first petitioner is a widow and the second petitioner is the son of an employee (by name A.G.Khan) of the respondent-Andhra Pradesh State Road Transport Corporation (for short "Corporation"). The said A.G.Khan died on 23.08.2000 in harness while in service. Subsequently, on 18.05.2001 the second petitioner made an application to the respondent-Corporation for compassionate appointment under the Bread Winners Scheme introduced by the Corporation. The second respondent passed an order on 01.04.2003 informing the petitioners that as per the V.C. and M.D. Notification dated 16.09.2002, bus staff ratio shall be reduced. Since the Corporation is facing severe financial crisis and in view of cost control measures adopted now, future vacancies may not arise in the posts of Conductor or Driver or Shramik and there is no possibility of consideration for providing employment under the Bread Winners Scheme. Therefore, the second petitioner is required to prefer a claim to the Depot Manager, Rajendranagar Depot for sanction of Additional Monetary Benefit since there is no chance of getting employment even in future.

2. The petitioners being aggrieved by the said order approached this Court seeking a direction to the respondents to consider the case of the second petitioner for compassionate appointment under the Bread Winners Scheme.

3. The learned standing counsel for the respondents drew the attention of this Court to the Order of the first respondent dated 25.04.2003, wherein, the first respondent mentioned as follows:

" In the Joint Meeting held with the recognized APSRTC Employees Union by VC & MD on 23 and 26.09.2002, it was informed to the Union that the candidates who have been selected under Bread Winners Scheme and waiting for appointment as on 16.09.2002 shall be adjusted in future vacancies and the scheme will be kept in abeyance.

The issue has been examined in detail after obtaining information from all Regions. There are 134 candidates who were selected and waiting for appointment. The VC & MD has agreed to consider for appointment of these 134 candidates under Bread Winners Scheme in future vacancies. Accordingly, the Regional Managers have been advised to consider for appointment of these candidates under Bread Winners Scheme in their respective Regions in future vacancies with prior approval of VC & MD."

4. In the light of the latest circular dated 25.04.2003, the second respondent is expected to treat that the scheme for compassionate appointment under the Bread Winner Scheme is in force and shall consider the eligibility of the second petitioner for suitable post and pass appropriate orders. The order dated 25.04.2003 of the first respondent is a clear indication that the cases of the persons, who made applications for compassionate appointments can be considered in future vacancies also.

5. In the light of the above circumstances, the order of the second respondent dated 01.04.2003 is set aside. The respondents 2 and 3 are directed to consider the case of the second petitioner for compassionate appointment under the Bread Winner Scheme and pass appropriate orders about his eligibility etc., within two months from the date of receipt of a copy of this order. If there are no existing vacancies in the suitable post, the respondents 2 and 3 may intimate the petitioner that his case will be considered at the appropriate time.

6.The writ petition is accordingly disposed of. No costs.

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Dr.G.YETHIRAJULU, J

Date: 13th September, 2004.

CS

SPECIAL OFFICER

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director, The Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C., Rajendra Nagar, R.R. District.
3. The Regional Manager, APSRTC, Jubilee Bus Depot, Picket, Secunderabad.
4. Two C.D. copies.